

**COMMONWEALTH OF KENTUCKY
MINE SAFETY REVIEW COMMISSION
ADMINISTRATIVE ACTION NO. 02-MSRC-011**

**COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF MINES AND MINERALS**

COMPLAINANT

v.

ROBERT L. STEWART

RESPONDENT

* * * * *

DEFAULT JUDGMENT

* * * * *

A Motion for Default Judgment having been filed in this matter on February 11, 2003 against the Respondent, Robert L. Stewart,

And the members of the Mine Safety Review Commission being fully advised,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Motion for Default Judgment against the Respondent, Robert L. Stewart is **GRANTED**;
2. The Respondent Robert L. Stewart's Underground Mining Instructor's Certificate, MI-**-**, issued by the Commonwealth of Kentucky, shall be **PERMANENTLY REVOKED**, effective February 25, 2003;
3. The Respondent, Robert L. Stewart, shall turn over his underground mining instructor's certificate to a representative of the KDMM on or before March 5, 2003, at a time and place to be arranged by the parties;
4. The Respondent Robert L. Stewart's MET Instructor's Certificate, WI-***-**, issued by the Commonwealth of Kentucky, shall be **PERMANENTLY**

REVOKED, effective February 25, 2003;

5. The Respondent, Robert L. Stewart, shall turn over his MET Instructor's certificate to a representative of the KDMM on or before March 5, 2003, at a time and place to be arranged by the parties;

6. The Respondent Robert L. Stewart's Underground Mine Foreman's Certificate, A-***-**, issued by the Commonwealth of Kentucky, shall be

PERMANENTLY REVOKED, effective February 25, 2003;

7. The Respondent, Robert L. Stewart, shall turn over his Underground Mine Foreman's certificate to a representative of the KDMM on or before March 5, 2003, at a time and place to be arranged by the parties; and

8. The Commission advises the Respondent that the Default Judgment entered against him in this matter shall be considered to constitute a "first offense" as that term is defined in 805 KAR 8:010, Section 1(5). Future allegations of separate offenses by Respondent Stewart, resulting in adjudication of guilt by the Commission, shall be deemed "subsequent offenses" as defined by 805 KAR 8:010, Section 1(13).

ENTERED this _____ day of February 2003.

BAYARD V. COLLIER, CHAIR
MINE SAFETY REVIEW COMMISSION
132 BRIGHTON PARK BLVD.
FRANKFORT KY 40601
(502) 573-0316
FAX (502) 573-0344

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFAULT JUDGMENT was mailed, by certified mail, return receipt requested, and by regular mail, postage pre-paid, to the following this _____ day of February 2003:

ROBERT L. STEWART

BETSY LAYNE KY *****

And by messenger mail to:

COMMISSIONER FRANK DELZER
DEPT. OF MINES & MINERALS
1025 CAPITAL CENTER DRIVE
FRANKFORT KY 40601

HON. TONY OPPEGARD
GENERAL COUNSEL
DEPT. OF MINES & MINERALS
1025 CAPITAL CENTER DRIVE
FRANKFORT KY 40601

And the original shall be kept on file:

MINE SAFETY REVIEW COMMISSION
132 BRIGHTON PARK BLVD.
FRANKFORT KY 40601

DIANE SCHULER FLEMING
GENERAL COUNSEL
MINE SAFETY REVIEW COMMISSION